line 56 to column 4, line 3). This process belongs to a well-known direct laser inscription process, where the material in contact with the laser beam is ablated.

Therefore, in Shimokawa, contrary to the allegations

- no polymer component is welded to any substrate,
- the absorption layer is identical with the inscription medium,
- no layer containing colorant and polymer component is present,
- no plastic substrate is laser marked, and
- no support film is present between the inscription layer and the energy absorber layer.

In other words, despite the fact that Shimokawa is directed to a laser marking process, it has nothing in common with the presently claimed invention and does not teach or even remotely suggest features thereof.

For this clear misunderstanding or mischaracterization of the primary reference in all the rejections, which are not cured by any of the cited secondary references, none of the rejections should be maintained. Nevertheless, the following comments are made.

Harrison discloses that a plastic surface may be laser marked. This is per se common knowledge, and in Harrison, the absorber layer is identical with the inscription layer (see abstract). Therefore, the process of Harrison is a simple laser marking process, where the combined inscription/absorber containing layer is, at the laser irradiated points, bonded to the receiving surface. Since Harrison bonds parts of the energy absorber layer via laser irradiation to the receiving surface and Shimokawa ablates the energy absorber layer, the processes are so different to each other that a combination thereof for any purpose whatsoever would not have been regarded reasonable by one of ordinary skill in the art.

Harris discloses a process for the direct laser marking of a lithographic printing plate. Since the printing plate must contain recesses in its surface in order to be able to take the ink afterwards which has to be printed, the laser marking of the printing plate in Harris is an ablation process too (see, for example, claim 1). Regarding the layer construction of the printing plate, it is without relevance here how many and which layers are adjacent to each other in the printing plate, since the whole layer construction is irradiated by laser and the outer layer ("surface melanophobic layer" in Harris) is ablated by laser beam in order to produce the recesses necessary for being filled with ink upon the use of the printing plate. The direct laser ablation process disclosed in Harris has, therefore, nothing to do with the presently claimed process.

Even a combination of Harris and Shimokawa, although laser ablation processes each, would not be made by one of ordinary skill in the art, since in Shimokawa the label and the work piece are laser marked together through a transmissive plastic film in one single marking step by leaving holes therein, but in Harris a particular substrate which is a printing plate is laser marked directly from the surface thereof.

Moreover, the purpose of the barrier layer in Harris is to separate the melanophilic layer 202 from the melanophobic layer 206. No such need or purpose is present in the layers disclosed in Shimokawa, where the films are a transparent film 13 and a color film 11 made of aluminum. Without some discernible reason to provide a barrier layer in the Shimokawa embodiment, one of ordinary skill would not have done so. The mere presence of a barrier layer in an unrelated embodiment in another reference is not enough, as such is mere impermissible piecemealing of the claimed invention together using hindsight reconstruction from various disclosures teaching distinct inventions.

See, e.g., *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007), requiring that there be an apparent reason to combine known elements in a manner claimed in patent, and that such analysis should be made explicit. It is thus clearly not adequate in view of *KSR* to merely piecemeal features of various distinct prior art embodiments from different references together without any discernible reason. The rejection is not based on teachings in the art or on rationale or creativity within the ambit of one of ordinary skill in art. As such, the alleged combination is not obvious.

No combination of the technical solutions of Shimokawa, Harrison and Harris would lead one of ordinary skill in the art to the claimed invention, and as such, there is no obviousness.

With respect to the arguments discussed above, all rejections of the dependent claims are also moot. The same comments from above also likewise hold true with respect to the Office Action's allegations regarding claims 18 and 19.

With respect to claim 4 and the additional Hiller reference, Hiller discloses a direct laser ablation process for the production of a printing plate similar to Harris. Such a process has nothing to do with the presently claimed invention since no component is bonded to any substrate, let alone all the other particularities of the claimed process are not even remotely addressed.

Regarding claim 7 and the additional Delp reference (previously cited), Delp discloses that the "colorant is introduced, in combination with the laser light-absorbent substance, into

the portions of plastic or coating surface which have been melted by laser irradiation" (see paragraph 0008). The inscription medium of Delp, which is composed of a colorant and a laser-light-absorbing substance, is coated onto a plastic surface which has to be inscribed by laser light. Then, under the action of laser light, the plastic surface to be inscribed is melted at that certain portion and the mixture of colorant and laser absorber adheres to the molten portion by hardening the molten plastic portion. This process is similar to the process described in Harrison and discloses no separation of the energy absorber layer and the inscription medium, and provides no reason to do so.

With respect to claims 11 and 15, the Office Action further cites the Busch reference. Although Busch discloses a laser markable laminate of several layers, a laser marking is simply written by laser irradiation into the whole layer system, leaving a marking of rich contrast due to the opaque layer B. No part of the laminate of Busch is welded to any different surface nor transferred to any surface. Therefore, the Busch process or laminate is simply a different kind of a laser marking process, and is in no way comparable to the presently claimed process.

Because none of the cited references discloses a laser marking process which is even similar to the claimed process, or provides any reason for modifications that would result in the claimed process, the withdrawal of the rejections is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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Attorney Docket No.:MERCK-3187
Date: May 6, 2011
K:\Merck\3000 - 3999\3187\Reply May 11.doc